

**THIS DISPOSITION
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Paper No. 15

11/8/00

HRW

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Jerold J. Samet

Serial No. 75/299,744

Warren N. Low for applicant.

Linda E. Blohm, Trademark Examining Attorney, Law Office
110 (Chris A.F. Pedersen, Managing Attorney).

Before Hairston, Wendel and Holtzman, Administrative
Trademark Judges.

Opinion by Wendel, Administrative Trademark Judge:

Jerold J. Samet has filed an application to register the mark YOUTH LEADERS INTERNATIONAL for "educational services, namely conducting classes and workshops in civic responsibility, in business and government, in services to the local community, in understanding and cooperating with differing cultures, and in critical thinking, to train youth in leadership skills."¹

¹ Serial No. 75/299,744, filed May 28, 1997, based on an allegation of a bona fide intent to use the mark in commerce. An amendment to allege use was filed November 30, 1999, claiming first use dates of October 1996.

Registration has been finally refused on the ground that the mark is merely descriptive under Section 2(e)(1) of the Trademark Act. The refusal was appealed and both applicant and the Examining Attorney have filed briefs. An oral hearing was not requested.

The Examining Attorney maintains that the proposed mark is merely descriptive of the purpose of applicant's educational services, which is to instruct the participants therein to be youth leaders. As an alternative, she argues that the mark is merely descriptive because it identifies the intended users of applicant's services, i.e., youth leaders who wish to improve their leadership skills. The term INTERNATIONAL as used in applicant's mark is argued to do no more than indicate that the scope of the services is not geographically limited.

Applicant contends that while YOUTH LEADERS INTERNATIONAL, in itself, may suggest "some association of youth" for "some possible purpose," it does not merely describe anything, much less applicant's educational services. Applicant insists that its mark does not immediately convey any information or knowledge with respect to any quality, characteristic, feature, function, purpose or use of applicant's educational services.

A term or phrase is merely descriptive within the meaning of Section 2(e)(1) if it immediately conveys information about a characteristic, function, purpose or feature of the goods or services with which it is being used. Whether or not a particular term is merely descriptive is not determined in the abstract, but rather in relation to the goods or services for which registration is sought, the context in which the mark is being used, and the significance the mark is likely to have, because of the manner in which it is used, to the average purchaser as he encounters the goods or services bearing the mark. See *In re Abcor Development Corp.*, 588 F.2d 811, 200 USPQ 215 (CCPA 1978). It is not necessary that the term or phrase describe all the characteristics or features of the goods or services in order to be merely descriptive; it is sufficient if the term or phrase describes one significant attribute thereof. See *In re Pennzoil Products Co.*, 20 USPQ2d 1753 (TTAB 1991).

As noted above, the descriptiveness of a term or phrase must be determined as the mark is viewed in connection with the involved goods or services, and not in the abstract. Thus, the question is not what YOUTH LEADERS INTERNATIONAL describes in itself, but rather whether it is

merely descriptive when viewed by the average purchaser in connection with applicant's specific services.

Applicant's educational services, as identified, are classes and workshops involving various activities, all of which are directed to training youth in leadership skills. In other words, the ultimate goal or purpose of applicant's classes and workshops is to develop YOUTH LEADERS. The specimens made of record with the amendment to allege use describe the potential offered to youth to "expand your potential and grow as a leader" by participation in applicant's program.

Accordingly, we find that the term YOUTH LEADERS, as used in applicant's mark, would immediately convey information to prospective purchasers of applicant's educational services as to the ultimate purpose of these services, i.e., that the services are designed to train or develop YOUTH LEADERS. See *In re Pilgrim Book Society, Inc.*, 149 USPQ 658 (TTAB 1966) (GOOD READING FOR YOUTH merely descriptive of the ultimate aim of applicant's services in connection with promoting and organizing book fairs). We are not looking at educational services in general, as applicant would appear to suggest is the proper test, but rather educational services with a particular goal in mind. Whether considered as the major purpose of

applicant's classes and workshops or as the result which is hoped to be attained thereby, YOUTH LEADERS is merely descriptive of the services.² See In re Officer's Organization for Economic Benefits, Limited, 221 USPQ 184 (TTAB 1983)(THE OFFICER'S ORGANIZATION FOR ECONOMIC BENEFITS readily perceived as describing major desired result or outcome of applicant's services).

The additional term INTERNATIONAL in applicant's mark is one which is not likely to be viewed by potential purchasers as other than an indication of the geographic scope or contemplated scope of applicant's services. The term imparts no source-indicating significance to applicant's otherwise descriptive mark. See In re National Rent A Fence, Inc., 220 USPQ 479 (TTAB 1983)(NATIONAL RENT A FENCE merely descriptive of fence rental services).

Accordingly, we find YOUTH LEADERS INTERNATIONAL as a whole merely descriptive when used in connection with applicant's educational services.

² We find no basis, however, for concurring with the Examining Attorney's alternative holding that the mark is merely descriptive because it identifies the intended users of applicant's services.

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Decision: The refusal to register under Section
2(e)(1) is affirmed.

P. T. Hairston

H. R. Wendel

T. E. Holtzman

Administrative Trademark Judges,
Trademark Trial and Appeal Board